

UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

In re: )  
 )  
Mark T. Svirchev ) Case No. 03-33892  
Jeannie D. Svirchev, ) Chapter 7  
Debtors. )  
\_\_\_\_\_ )


**MOTION FOR DISBURSEMENT OF UNCLAIMED FUNDS**

MCL Associates, Inc., acting as attorney-in-fact for Nike USA, Inc., dba Nike Golf, by and through its attorney, J. Baron Groshon of the Law Office of J. Baron Groshon, P.A., hereby moves the Court for an Order directing the United States Bankruptcy Court to disburse the sum of \$34,905.37 from the Court's Registry Fund, payable to Nike Golf, representing unclaimed funds previously deposited with the Court.

Supported documentation attached:  X  Yes       No

*I understand that pursuant to 11 U.S.C. §§ 152 and 3571, I may be fined up to \$500,000, imprisoned for up to 5 years, or both, if I have knowingly and fraudulently made any false statements in this document or provided false and fraudulent documentation as part of this application.*

June 3, 2009

  
\_\_\_\_\_  
J. Baron Groshon  
N. C. State Bar # 12417  
Law Office of J. Baron Groshon, P.A.  
417 East Boulevard, Suite 203  
Charlotte, North Carolina 28203-5163  
Telephone: (704) 342-3328  
Facsimile: (704) 342-3358

UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION


In re: )  
 )  
Mark T. Svirchev ) Case No. 03-33892  
Jeannie D. Svirchev, ) Chapter 7  
Debtors. )  
\_\_\_\_\_ )

NOTICE OF HEARING AND CERTIFICATE OF SERVICE

NOTICE IS HEREBY GIVEN that the Court will conduct a hearing on June 25, 2009, at 9:30 a.m. in Courtroom 122 located at The Charles R. Jonas Federal Building, 401 West Trade Street, Charlotte, North Carolina 28202 to consider the Motion for Disbursement of Unclaimed Funds filed by MCL Associates, Inc., acting as attorney-in-fact for Nike USA, Inc., dba Nike Golf, by and through its attorney, J. Baron Groshon of the Law Office of J. Baron Groshon, P.A.

NOTICE IS FURTHER GIVEN to the Court that on June 3, 2009, the United States Attorney, the case trustee, and the Bankruptcy Administrator were served with a copy of the Motion for Disbursement of Unclaimed Funds and this Notice of Hearing by U. S. mail.

June 3, 2009

  
\_\_\_\_\_  
J. Baron Groshon  
N. C. State Bar # 12417  
Law Office of J. Baron Groshon, P.A.  
417 East Boulevard, Suite 203  
Charlotte, North Carolina 28203-5163  
Telephone: (704) 342-3328  
Facsimile: (704) 342-3358

**LIMITED POWER OF ATTORNEY FOR RECOVERY OF FUNDS**

( FOR ONE TRANSACTION ONLY)

Nike USA Inc. dba Nike Golf., does hereby appoint MCL Associates, Inc. our sole lawful attorney in fact, to seek and recover or caused to be recovered, the undistributed, unclaimed, or undelivered tenders funds of :

**Nike Golf in the amount of \$34,905.37**

held by any federal, provincial, state or other government entity, or any agency or subdivision thereof, hereby revoking all previous powers of attorney given for such purpose, to whomever granted.

We further grant our attorney in fact, its employees and agents, authority to do all things necessary to recover such funds as if we personally had done them ourself. However, our attorney in fact, its employees and agents may not incur any cost on our behalf, or make any expenditure on our behalf, unless such authority is given in a separate writing signed by us. All funds will be directly sent to Nike Golf.

This LIMITED POWER OF ATTORNEY FOR RECOVERY OF FUNDS shall expire and become void following the completion of all provisions of the agreement between the parties and shall apply to the collection of (1) item.

Signed this 6th day of May, 2009

  
Nike USA Inc. dba Nike Golf

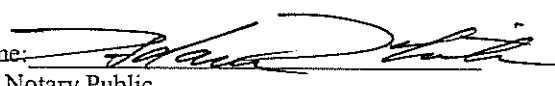
Tax ID # 93-1243023

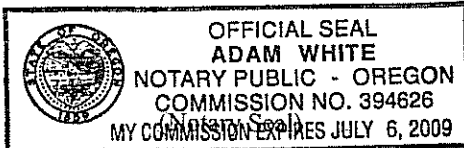
By:  
David Waind  
Manager Credit and Collections  
Nike Golf

State of Oregon

County of Washington

On May 6<sup>th</sup>, 2009 before me \_\_Adam White personally appeared David Waind personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) , and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

Before me:   
Notary Public



My Commission expires: 7/6/09

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NORTH CAROLINA

In re: Mark T. Svirchev )  
Jeanne D. Svirchev )  
Debtor(s) )  
\_\_\_\_\_ )

Case No. 03-33892  
Chapter: 7

AFFIDAVIT OF CREDITOR

BE IT ACKNOWLEDGED that, I David Waind of Nike USA, Inc. doing business as Nike Golf ("Nike Golf") at One Bowerman Drive, Beaverton, OR, the undersigned deponent, being of legal age, do hereby depose and say under oath as follows:

1. That, Nike Golf, is a named creditor in the above captioned bankruptcy case. The current address and contact information is as follows:

David Waind  
Nike USA, Inc., dba Nike Golf  
One Bowerman Drive  
Beaverton, OR 97005-6453  
Telephone Number: (503) 532-7861

2. The Bankruptcy Trustee deposited unclaimed funds in the amount of \$34,905.37 into the Court's registry fund on behalf of Nike Golf. The funds are due and owing to Nike Golf as a result of our claim against the above debtors.
3. Nike Golf has granted MCL Associates, Inc., of 125 Westchester Drive, Canton, MA 02021, a limited power of attorney to submit a Motion for Disbursement of Unclaimed Funds seeking payment of the \$34,905.37 held in our name on deposit with the Court.
4. Nike Golf has not previously received remittance from the Court for this claim, nor has it contracted with any other party, other than MCL Associates to recover these funds.

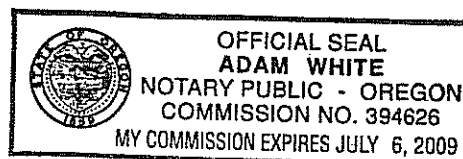
I affirm that the foregoing is true, under the penalties of perjury this 21<sup>st</sup> day of May 2009.

By: [Signature]  
David Waind



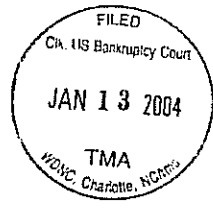
COUNTY OF Washington  
STATE OF Oregon

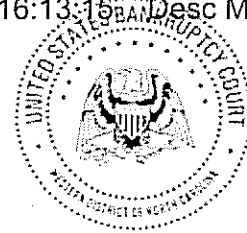
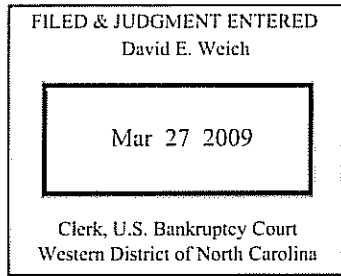
On this 21<sup>st</sup> day of May, 2009, before me David Waind personally appeared and known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on this instrument, the person or the entity upon behalf of which the person acted, executed the instrument. WITNESS my and official seal.

[Signature]  
Notary Public



FORM B10 (Official Form 10) (12/03)

UNITED STATES BANKRUPTCY COURT WESTERN DISTRICT OF NORTH CAROLINA		PROOF OF CLAIM
<b>Name of Debtor</b> Mark T. Svirchev Jeanne D. Svirchev	<b>Case Number</b> 03-33892	 03-33892  1851414  THIS SPACE IS FOR COURT USE ONLY
<b>NOTE:</b> This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. §503.		
<b>Name of Creditor (The person or other entity to whom the debtor owes money or property):</b> Nike Golf	<input type="checkbox"/> Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars. <input type="checkbox"/> Check box if you have never received any notices from the bankruptcy court in this case. <input type="checkbox"/> Check box if the address differs from the address on the envelope sent to you by the court.	
<b>Name and Address where notices should be sent:</b> Nike Golf One Bowerman Dr. Beaverton, OR 97005-6453 Attn: Katie Scott	<b>Telephone Number:</b> 866-631-6453 x 329714	
<b>Account or other number by which creditor identifies debtor:</b> 38118	Check here if <input type="checkbox"/> replaces a previously filed claim, dated: _____ <input type="checkbox"/> amends	
<b>1. Basis for Claim</b> <input checked="" type="checkbox"/> Goods sold <input type="checkbox"/> Services performed <input type="checkbox"/> Money loaned <input type="checkbox"/> Personal injury/wrongful death <input type="checkbox"/> Taxes <input type="checkbox"/> Other _____ <input type="checkbox"/> Retiree benefits as defined in 11 U.S.C. §1114(a) <input type="checkbox"/> Wages, salaries, and compensation (fill out below) Last four digits of SS #: _____ Unpaid compensation for services performed from _____ to _____ (date) (date)		
<b>2. Date debt was incurred:</b> 2002 - 2003	<b>3. If court judgment, date obtained:</b>	
<b>4. Total Amount of Claim at Time Case Filed:</b> \$ 33,079.69 (unsecured) (secured) (priority) (Total) If all or part of your claim is secured or entitled to priority, also complete Item 5 or 7 below. <input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.		
<b>5. Secured Claim.</b> <input type="checkbox"/> Check this box if your claim is secured by collateral (including a right of setoff). Brief Description of Collateral: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other _____ Value of Collateral: \$ _____ Amount of arrearage and other charges at time case filed included in secured claim, if any: \$ _____	<b>7. Unsecured Priority Claim.</b> <input type="checkbox"/> Check this box if you have an unsecured priority claim Amount entitled to priority \$ _____ Specify the priority of the claim: <input type="checkbox"/> Wages, salaries, or commissions (up to \$4,650)* earned within 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(3). <input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(4). <input type="checkbox"/> Up to \$ 2,100* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(6). <input type="checkbox"/> Alimony, maintenance, or support owed to a spouse, former spouse, or child - 11 U.S.C. § 507(a)(7). <input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8). <input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. § 507(a)(____). *Amounts are subject to adjustment on 4/1/04 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.	
<b>6. Unsecured Nonpriority Claim</b> \$ 33,079.69 <input type="checkbox"/> Check this box if: a) there is no collateral or lien securing your claim, or b) your claim exceeds the value of the property securing it, or if c) none or only part of your claim is entitled to priority.		THIS SPACE IS FOR COURT USE ONLY  
<b>8. Credits:</b> The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.		
<b>9. Supporting Documents:</b> Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary.		
<b>10. Date-Stamped Copy:</b> To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.		
Date 1/9/04	Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any): David Wound Customer Financial Services Manager	



J. Craig Whitley  
United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

IN RE: Mark T. Svirchev )  
Jeanne D. Svirchev )

Case No: 03-33892  
Chapter 7

Debtor(s)

**ORDER TO DEPOSIT FUNDS WITH THE COURT**

**THIS CAUSE** coming on to be heard and being heard before the undersigned United States Bankruptcy Judge, and it appearing that there is now \$ 48,727.99 in the trustee's account which was disbursed to claimants listed below at the addresses listed below; however, the checks having been returned to the trustee unpaid with no explanation, and it being in the best interest of the estate for this amount to be paid into the court pursuant to 28 U.S.C. § 2042;

<u>Claimant Names &amp; Addresses</u>	<u>Amount</u>
Nike Golf Atn: Kathy Scott One Bowerman Dr. Beaverton, OR 97005-6543	\$34,905.37
Fleet Credit Card Svcs, LP PO Box 1016 Horsham, PA 19044	\$11399.89
Bell South Adv & Pub PO Box 105852 Atlanta, GA 30348-5852	\$2422.73

It is therefore, **ORDERED** that the sum of \$ 48727.99, representing funds unclaimed by the above referenced claimants, be paid into the court and disposed of pursuant to 28 U.S.C. § 2042.

This Order has been signed electronically. The judge's signature and court's seal appear at the top of the Order.

United States Bankruptcy Court